



UNITED STATES PROBATION & PRETRIAL SERVICES
District of New Hampshire

MEMORANDUM

DATE: June 16, 2016
TO: Honorable Steven McAuliffe, U.S. District Court Judge
FROM: Sean Buckley, U.S. Probation Sentencing Guidelines Specialist
RE: **Daniel Hufstetler**
Dkt. No.: 16-CV-134-01-SM

Pursuant to the Court's order, dated June 10, 2016, the probation officer has reviewed the presentence report (PSR) and sentencing judgment and is providing the following information to the Court:

- (1) The defendant **may have been sentenced** under the residual clause of the career offender provision in the U.S. Sentencing Guidelines. Specifically, his conviction of Threats and Improper Influence (Venango County (PA) Court of Common Pleas, Dkt. #CP-61-CR-935-1998) (see PSR ¶39) may be considered a "crime of violence" pursuant to the residual clause in USSG §4B1.2 since the offense of conviction does not have as an element the use, attempted use, or threatened use of physical force against the person of another nor is it one of the enumerated offenses at USSG §4B1.2(a)(2).
- (2) This defendant **was not convicted** of Use of a Firearm During a Crime of Violence offense pursuant to 18 U.S.C. § 924(c).
- (3) The defendant **was not convicted** of illegal reentry after removal.